

REMARKS

This Amendment is being filed in response to the Office Action mailed on April 7, 2009 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1 and 4-22 remain in this application, where claims 1, 19 and 21 are independent.

By means of the present amendment, claims 1 and 4-22 have been amended for non-statutory reasons, such as for better form including deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Such amendments to claims 1 and 4-22 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claim 18 is rejected under 35 U.S.C. §101. This rejection is respectfully traversed. However, to advance prosecution, claim 18 has been amended to better recite

statutory subject matter. It is respectfully submitted that this rejection of claim 18 has been overcome. Accordingly, withdrawal of this rejection is respectfully requested.

In the Office Action, claims 1, 4-9, 11-16, and 19-22 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,526,130 (Kim) in view of U.S. Patent Application Publication No. 2002/0174430 (Ellis). Further, claims 10, 17 and 18 are rejected under 35 U.S.C. §103(a) over Kim in view of Ellis and U.S. Patent Application Publication No. 2006/0072354 (Ohnuma). Applicants respectfully traverse and submit that claims 1 and 4-22, as amended, are patentable over Kim, Ellis and Ohnuma for at least the following reasons.

As correctly noted on page 8, paragraph one of the Office Action, Kim does not disclose or suggest that the desired content descriptor is already contained in a blank of the record medium, as recited in amended independent claims 1, 19 and 21. Ellis is cited in an attempt to remedy the deficiencies in Kim.

At the outset, it is noted that Ellis has 126 figures and 100 columns of text qualifying this patent as "complex". Therefore

pursuant to 37 CFR 1.104, the Examiner must indicate how the reference is being applied. Since Ellis is complex, Applicants will confine their remarks to those portions cited by the Examiner, except as otherwise indicated. Applicants make no representation as to the contents of other portions of the references.

The indicated section of Ellis, namely, paragraphs [0175] and [0179], merely disclose that personalization information for one or more users (such as user profiles, preferences, viewing history, recording history) may be stored on set-top box 202, on personal video recorder 208, on server 112 of FIG. 1.

It is respectfully submitted that Kim, Ellis, and combination thereof, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 19 and 21 which, amongst other patentable elements, recites (illustrative emphasis provided):

recording said desired content on said record medium, wherein said desired content descriptor is already contained in a blank of said record medium, wherein inserting the record medium containing the desired content descriptor into a recording device triggers the recording device to automatically perform the acts of scanning and recording.

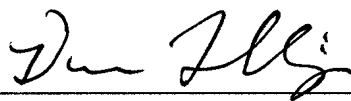
Ohnuma is cited to allegedly show other features and does not remedy the deficiencies in Kim and Ellis.

Accordingly, it is respectfully requested that independent claims 1, 19 and 21 be allowed. In addition, it is respectfully submitted that claims 4-18, 20 and 22 should also be allowed at least based on their dependence from independent claims 1, 19 and 21 as well as their individually patentable elements.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded. And in particular, no Official Notices are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
July 6, 2009

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101